THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.20368 OF 2005

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Dt: 16.09.2005

Between:

D. Muralidhar Rao

.. Petitioner

AND

The Chief Manager & Disciplinary Authority,

Andhra Bank, Zonal Office, Hyderabad.

.. Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.20368 OF 2005

ORDER:

The petitioner was working as a Clerk in the Andhra Bank. The disciplinary proceedings were initiated against him through charge sheet, dated 14.09.2004. After conducting departmental enquiry, the Chief Manager, the respondent herein, passed an order, dated 10.08.2005, dismissing the petitioner from service. The same is challenged in this writ petition.

Sri K.Ananth Rao, learned counsel for the petitioner, urged several grounds. He submits that the petitioner was placed under suspension on 05.01.2004 and no subsistence allowance was paid to him. His other contention is that the respondent treated the past service of the petitioner as blame-worthy though it was unblemished in all respects.

It is not in dispute that the service regulations of Andhra Bank provide for an appeal before the appellate authority. In fact, the impugned order itself indicates that an appeal is available to the Assistant General Manager (Personnel) and to the appellate authority at the Head Office. The question as to whether the past record of the petitioner was blame-worthy or unblemished can be examined by the appellate authority. In fact, it is better suited for that purpose. So far as the grievance of the petitioner as to the non-payment of the subsistence allowance is concerned, he can put forward his claim for that, irrespective of the nature of remedy, he prosecutes against the order of dismissal.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of appeal and to make claim for payment of dues of subsistence allowance, if any. There shall be no order as to costs.

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16.09.2005

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